

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 8th day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 9622 of 1993

Sri Y.M. Paramesha,
son of Mallanna,
Prop: V.P. Stores,
No.11/11, 19th Cross,
Kempapura Agrahara,
Magadi Road,
Bangalore-23

..Petitioner

(By Sri K.N. Shankarlingappa, Advocate)

-Vs-

1. The Commissioner,
Corporation of the City
of Bangalore,
N.R.Square,
Bangalore-2;

2. The Junior Engineer,
Corporation of the City
of Bangalore,
Corporation Division No.31,
Magadi Road, Bangalore-23;

3. Dr. D. Devaiah,
Harsha Medicals,
Shop No.8/4,
19th Cross,
K.P. Agrahara,
Magadi Road,
Bangalore-23

.. Respondents

(By Sri Prakash and Kumar, Adv., for R3;
Sri K.N. Puttegowda, Adv., for R1 & R2)

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Writ Petition is filed praying to direct the
1st and 2nd respondents to take action against the 3rd
respondent in furtherance of the complaint given by the
petitioner as per Annexure-B dated 30-3-1993.

This petition coming on for preliminary hearing in 'B' group, this day, the court made the following:

O R D E R

The petitioner claims that he is the tenant under the third respondent in regard to a portion of premises bearing No 11/11, 19th Cross, Kempapura Agrahara, Magadi Road, Bangalore. He claims that in order to cause inconvenience to the petitioner, the third respondent had started putting up first floor over the existing ground floor, without obtaining licence or sanction plan from the Bangalore City Corporation. The petitioner's grievance is that even though he made a complaint in regard to the said construction to the Commissioner on 30-3-1993 (Annexure 'B'), with copies to the concerned Asst Executive Engineer, Junior Engineer and Special Squad, but no action has been taken by the corporation. Hence, the petitioner has filed this petition seeking a direction to the respondent-corporation to take action against the third respondent in furtherance of his complaint as per Annexure 'B'. The petitioner has also sought a direction to respondents 1 and 2 to immediately

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stop further illegal construction by the third respondent in the said premises.

2. Learned counsel for the Corporation stated that in pursuance of the complaint given by the petitioner, the corporation took immediate action and has issued provisional order dated 21-4-1993 under Section 321(1) and (2) of the Karnataka Municipal Corporations Act and confirmatory order dated 10-5-1993 under Section 321(3) of the Act. He has also stated that at that stage, the third respondent filed OS No 3316 of 1993 against the corporation and obtained an order of temporary injunction and in view of the existence of said order of civil court, the corporation is not in a position to take further action in the matter.

3. The above submission makes it clear that the corporation has taken necessary action in the matter on the basis of the complaint given by the petitioner and what remains to be done by the Corporation is to defend the suit. With this observation, this petition is disposed of, as no further action is contemplated by the corporation, at this stage, except to pursue the matter in the pending suit.

